

Lexington, Kentucky November 17, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 17, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord and Moloney.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 297-2005 thru 307-2005 inclusive and Resolutions No. 613-2005 thru 642-2005 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Hank Ellington, Associate Pastor, Calvary Baptist Church.

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Upon motion of Ms. Shafer and seconded by Mr. Farmer, the minutes of the September 8, 13, 20, 22 and 27, 2005 Council Meetings were approved by unanimous vote (Mr. DeCamp and Mr. Farmer were absent when the vote was taken).

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Ms. Carolyn Zerga, Attorney in the Dept. of Law, requested that the Council reschedule a Special Council Meeting for a police disciplinary hearing from November 29, 2005 to December 12, 2005 at 6:00 p.m.

Ms. Shafer made a motion, seconded by Ms. Gorton and passed by unanimous vote, to reschedule the Special Council Meeting for a police disciplinary hearing from November 29, 2005 to December 12, 2005 at 6:00 p.m.

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Ms. Sally Sue, Lexington 101 Class, recognized each member of the class and presented them with a Certificate of Completion.

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Ms. Shafer introduced Police Sergeant Chris Townsend and Ms. Stephanie Hong, who introduced the Partners for Youth Scholarship Recipients.

Sergeant Townsend spoke about the process for the scholarships and the recipients.

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Dr. Stevens introduced the members of the Salvation Army Boys & Girls Club and spoke about their Leadership Club.

Ms. Janet Cowan, Executive Director of The Salvation Army, thanked the Mayor and Council for the recognition.

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The following ordinances were given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Gorton, Lane, McChord, Moloney ----- 14

Nay: ----- 0
(Mr. Farmer was absent when the vote was taken.)

An Ordinance amending and reenacting Chapter 18C of the Code of Ordinances, of the Lexington-Fayette Urban County Government, relating to the provision of ambulance service to establish definitions and to provide for minimum general requirements, minimum insurance coverage requirements, mutual aid agreements and availability and limitations on support, use of warning lights and sirens, exemption from traffic ordinances, advanced life support equipment requirements, copies of protocols and standing orders to be provided to hospitals and the Emergency Medical Advisory Board, registration of ambulances for a fee of twenty dollars plus license fee for each ambulance and completion and submission of an application, registration valid to the end of calendar year, automatic renewal upon payment of fees, issuance of a permit, non-transferability of permits, prohibition against operation while any required state or federal certificate, license, or permit is suspended, revoked, cancelled, or terminated, automatic revocation of registration and permit upon revocation, cancellation, or termination of any required state or federal certificate, license, or permit, complaint procedure, retention and inspection of documents, penalty not to exceed \$1,000 per violation, and to create the Emergency Medical Advisory Board consisting of fifteen members and providing for the terms of its members, its quorum, its officers, and its duties; and repealing Chapter 18D, all effective January 1, 2006.

An Ordinance authorizing the Mayor to execute a Lease Agreement for thirteen (13) months, automatically renewable for subsequent terms of twelve months each, with Dynamic Educational Systems, Inc. (DESI) for two offices at the Central Ky. Job Center (1055 Industry Road) for a monthly rental fee of \$550.00 per office plus incidental office expenses, and appropriating funds pursuant to Schedule No. 95.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures and appropriating and reappropriating funds, Schedule No. 96.

An Ordinance authorizing the Mayor to execute an Engineering Services Agreement with CDP Engineers, Inc., for the Gainesway Retention Basin Retrofit Project, at a cost not to exceed \$57,850.00, and appropriating funds pursuant to Schedule No. 100.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for Neighborhood Development Funds for asphalt pedways on Southland Drive, and appropriating and re-appropriating funds, Schedule No. 104.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for Adult Services/Broadway Shoppes renovation, and appropriating and re-appropriating funds, Schedule No. 105.

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An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for the Council Heating Initiative Program (CHIP), and appropriating and reappropriating funds, Schedule No. 103 was given second reading

Mr. Jack Burch, Executive Director of Community Action Council, spoke about the Heating Initiative Program and thanked the Council for the funding.

The ordinance passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Gorton, Lane, McChord, Moloney ----- 14

Nay: ----- 0
(Mr. Farmer was absent when the vote was taken.)

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to an Expansion Area Residential (EAR-1) zone for 3.3 net (3.9 gross) acres of property located at 3464 Winchester Road. (Fritz A. Meili and Candace M. Meili)

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 2.99 net (4.72 gross) acres and from a Planned Neighborhood Residential (R-3) zone to a Highway Service Business (B-3) zone for 8.72 net (8.91 gross) acres of property located at 3200 Richmond Road. (3200 Richmond Road, LLC)

An Ordinance authorizing and directing the Mayor to accept a Grant from the Bluegrass Area Development District, which grant funds are in the amount of

\$107,032.76 Federal funds, are for the Workforce Investment Act (WIA) Youth Program for FY 2006, the acceptance of which does not obligate the Urban County Government for expenditure of funds, appropriating funds pursuant to Schedule No. 102, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 101.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds remaining in FY 2005 into FY 2006 as approved at the November 15, 2005 Council Work Session, Schedule No. 113.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Engineering Technician Principal, Grade 115E, and one (1) position of Engineering Aide Sr., Grade 109N, and amending Section 21-5 of the Code of Ordinances creating one (1) position of Engineering Technician Principal, Grade 115E and one (1) position of Engineering Aide Sr., Grade 109N, all in the Div. of Sanitary Sewers, and appropriating funds pursuant to Schedule No. 107.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Certified Medical Assistant, Grade 108N, to become effective upon passage by Council and reallocating two (2) positions of Certified Medical Assistant, from Grade 108N to Grade 110N, to become effective retroactive to September 21, 2005, and reallocating two (2) vacant positions of Certified Medical Assistant from Grade 108N to Grade 110N, to become effective upon passage by Council, and amending Section 21-5 of the Code of Ordinances creating one (1) position of Certified Medical Assistant, Grade 108N, to become effective upon passage by Council, all in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 108.

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of various employees occupying the positions of Equipment Operator Sr., Childcare Program Aide, Trades Supervisor and Code Enforcement Officer, in various divisions, after review pursuant to the pay equity ordinance, effective retroactive to the date described in each item; and appropriating funds pursuant to Schedule No. 109.

An Ordinance authorizing the Mayor to accept a Donation of \$2,520.00 from the Center for Family and Community Services, for the Gainesway Community Empowerment Center to purchase two new computers for Homework Huddle and appropriating funds pursuant to Schedule No. 110.

An Ordinance authorizing the Mayor to accept donations in the amount of \$15,000.00 from Ky. Utilities; \$5,000.00 from Keeneland; \$2,500.00 from National City Bank; \$250.00 from William Young, Jr.; \$2,500.00 from Sherman/Carter/Barnhart; \$2,500.00 from Bluegrass Towing and \$2,500.00 from M & M Sanitation as sponsors for the 2005 Ky. Christmas Chorus, and appropriating funds pursuant to Schedule No. 111.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Economic Development, which grant funds are in the amount of \$500,000.00 Commonwealth of Ky. funds, are for the Belcan Corp. (a/k/a Belcan Services Group, Ltd. Partnership, and Belcan Engineering Group) Economic Development Project, the acceptance of which obligates the Urban County Government for the expenditure of \$500,000.00, appropriating funds pursuant to Schedule No. 117 and authorizing the Mayor to transfer unencumbered funds within the grant budget; and to execute the Grant Agreement and related grant documents.

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A Resolution endorsing and supporting the Ky. Equine Education Project's ("KEEP") mission statement was on the docket for second reading.

Ms. Sarah Foster, 1056 Winding Oak Trail, a Policy Analyst with the Family Foundation of KY, spoke against the Ky. Equine Education Project's goal to have casino gambling at the state's horse tracks.

Dr. Stevens made a motion, seconded by Ms. Shafer, to table the resolution.

The motion passed by a hand vote of 13-2 (Mr. Scanlon and Mr. Lane voted no).

Mr. Scanlon stated that he supported KEEP, but agreed with Ms. Foster's comments.

The resolution was removed from the docket.

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The following resolutions were given second reading and passed by the following

vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney ----- 15

Nay: ----- 0

A Resolution accepting the bid of Tennis Technology, Inc., in the amount of \$32,216.00, for Martin Luther King Park tennis court resurfacing.

A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for hydraulic oil, for the Div. of Fleet Services.

A Resolution accepting the bid of Dixie Restoration Co., in the amount of \$48,550.00, for window repairs at Phoenix Building.

A Resolution accepting the bids of Hayes Pipe Supply, Inc., and National Waterworks, Inc., establishing a price contract for repair materials for sanitary sewers, for the Div. of Sanitary Sewers.

A Resolution accepting the bids of Bluegrass Uniforms, Inc., Ky. Uniforms, Inc., and Galls, Inc., establishing a price contract for fire recruit uniforms, for the Div. of Fire.

A Resolution accepting the bid of LaDuke’s Irrigation establishing a price contract for baseball field drying conditioner – supplemental, for the Div. of Parks.

A Resolution changing the street name and property address numbers of 132 Marketplace Drive to 4096 Nichols Park, of 214 Elm Tree Lane to 302 Gunn Street, of 2900 Yellowstone Parkway to 2500 Alumni Drive, 6141 and 6145 Russell Cave Road to 2575 and 2555 Mantews Lane, of 6250 Man O’ War Boulevard to 2920 Polo Club Boulevard, of 675 Todd Street to 670 Tower Plaza, of 3756 Winthrop Drive to 401 Waveland Museum Lane, of 210 Betty Hope Lane to 215 Bradley Lane, and of 3251 Nicholasville Road to 111 West Reynolds Road; and changing the property address numbers of 1045 Industry Road to 1055 Industry Road, 121 Rojay Drive to 128 Rojay Drive, 3292 Eagle View Lane, Suite 190 to 3292 Eagle View Lane, Suite 150, 3443 Malabu Circle to 3446 Malabu Circle, 4435 and 4435a Old Frankfort Pike to 4431 and 4435 Old Frankfort Pike, and 910 and 920 Enterprise Court to 904 and 910 Enterprise Court; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement and permanent right-of-

way from William J. and Kathy M. Horn, located at 838 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$900.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Lease Agreement for an initial term of eight (8) months and a second term of twelve (12) months with MES Enterprises, LLC, for space in the Triangle Center Condominiums located at 325 West Main Street, Unit 3, for the ERP Implementation Team, at a cost not to exceed the sum of \$4,375 per month for the initial term and \$5,000 per month for the second term, subject to the appropriation of sufficient funds.

A Resolution authorizing the Mayor to execute an Agreement with Sunflower Kids, Inc., for operation of a visitation center as part of the Supervised Visitation and Safe Exchange Program, at a cost not to exceed \$275,860.00.

A Resolution authorizing the Mayor to execute Agreements with Lake Area Neighborhood Association, Inc. (\$139.92) and Lafayette High School Women's Basketball, Inc. (\$1,150.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute an Agreement relating to the use of and charges for motor vehicles and boat data, with the Commonwealth of Ky. Transportation Cabinet, at a cost not to exceed \$15,000.00.

A Resolution authorizing the Mayor to execute a two (2) year Maintenance Agreement with Medtronic Physio-Control Corp., for technical service support on Lifepak 12 defibrillators, at a cost not to exceed \$9,990.00 per year, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute Change Order No. 8 to the contract with D. W. Wilburn, Inc., for construction of the Day Treatment Facility for the Dept. of Social Services, increasing the contract price by the sum of \$20,668.96 from \$4,133,469.97 to \$4,154,138.93

A Resolution authorizing the Mayor to execute a Certificate of Consideration and a public acquisition plat and to accept a Deed conveying a permanent right-of-way and a temporary construction easement from Lavon Stewart, located at 663 East Loudon

Avenue, for the Loudon Avenue Improvement Project, and authorizing payment in the amount of \$500.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Agreement with the University of Louisville Research Foundation, for radiological health and medical planning services as part of the Metropolitan Medical Response System (MMRS), at a cost not to exceed \$45,000.00.

A Resolution authorizing the Mayor to execute Agreements with Gainesway Neighborhood Association, Inc. (\$500.00), The African American Forum, Inc. (\$1,825.00), Encouraging Love for Seniors, Inc. (\$900.00), Knights of Columbus Charities of Ky., Inc. (\$25.00), and East Lake Neighborhood Association, Inc. (\$2,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution authorizing the Mayor to execute an Adopt-A-Spot Program Agreement with Pleasant Green Baptist Church, for services, at a cost not to exceed \$921.44 was given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 14

Nay: ----- 0
(Mr. Wigginton disqualified himself when the vote was taken.)

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The following resolutions were given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: Moloney ----- 1

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easement from Newtown Group, LLC, located at 308-310 Newtown Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,825.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements form William and Nancy Meade and David Meade, located at 826 West Main

Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$3,325.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from William and Nancy Meade and David Meade, located at 832 West Main Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$11,175.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from William and Nancy Meade and David Meade, located at 111 Buchanan Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$16,650.00, plus usual and appropriate closing costs.

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The following resolutions were given first reading. Upon motion of Mr. Wigginton and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney ----- 15

Nay: ----- 0

A Resolution authorizing the Mayor to execute four (4) partial Releases of Easements, releasing portions of a drainage easement at 1752 and 1760 Sharkey Way, 1768 and 1772 Sharkey Way, 1700-1736 Sharkey Way, 110 Towne Center Drive, and 110 Louie Place.

A Resolution authorizing the Mayor to execute a Release of Easement, releasing a portion of a storm sewer easement at 569 Pasadena Drive.

A Resolution authorizing the Mayor to execute Agreements with Bryan Station Band Association (\$800.00), Salvation Army (\$650.00), and Copperfield Neighborhood Association, Inc. (\$750.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution amending Resolution No. 611-2004 relating to the Agreement with Lexington Downtown Development Authority, Inc., for a downtown transportation analysis

to provide for payment directly to American Consulting Engineers, PLC, the firm selected by Lexington Downtown Development Authority, Inc., to perform the analysis.

A Resolution authorizing the Mayor to execute a Right-of-Way Encroachment Agreement with the University of Ky., for construction of underground utilities within the right-of-way easements of Martin Luther King Blvd. and Lexington Avenue, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Agreements with Encouraging Love for Seniors, Inc. (\$100.00), and The Cottages of Liberty Woods Neighborhood Association, Inc. (\$600.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution creating and establishing the Lexington-Fayette Urban County Government Water Committee to examine the acquisition of Ky.-American Water Co. by the Lexington-Fayette Urban County Government and requiring it to report its recommendations to the Urban County Council, providing for its membership and the appointment of its members by the Mayor and Vice Mayor; and providing that it shall be chaired by former Mayor and U. S. Congressman Scotty Baesler was given first reading.

Upon motion of Mr. Wigginton and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: Moloney ----- 1

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A Resolution ratifying the probationary civil service appointments of: Charles Hullinger, Security Officer, Grade 103N, \$7.802 hourly, in the Dept. of General Services, effective November 28, 2005, Charles Woosley, Security Officer, Grade 103N, \$11.760 hourly, in the Dept. of General Services, effective November 28, 2005, John Uttinger, Public Service Worker Sr., Grade 107N, \$12.502 hourly, in the Div. of Sanitary Sewers, effective November 28, 2005, Margaret Alexander, Staff Assistant Sr., Grade 108N, \$12.302 hourly, in the Div. of Police, effective November 14, 2005, Lindsay M. Mattingly, Eligibility Counselor, Grade 110E, \$1,063.04 bi-weekly, in the Dept. of Social Services, effective November 28, 2005, Patricia Renaye Mott, Child Care Program Aide,

Grade 107N, \$11.020 hourly, in the Div. of Youth Services, effective November 28, 2005, Leonard Lauria, Microcomputer Support Specialist, Grade 113N, \$21.696 hourly, in the Div. of Police, effective November 21, 2005, Kelly Hunter, Environmental Inspector, Grade 113N, \$17.738 hourly, in the Div. of Environmental and Emergency Management, effective December 12, 2005, Laura Olrich, Administrative Specialist, Grade 110N, \$18.584 hourly, in the Div. of Parks, effective November 28, 2005, Danny Hyatt, Treatment Plant Operator/Apprentice, Grade 107N, \$15.168 hourly, in the Div. of Sanitary Sewers, effective November 28, 2005, Steve Zahn, Public Service Worker Sr., Grade 107N, \$11.315 hourly, in the Div. of Sanitary Sewers, effective November 28, 2005, Zhiqiang Yu, Data Base Administrator, Grade 117E, \$2,307.69 bi-weekly, in the Div. of Computer Services, effective November 28, 2005, Angela Kabalen, Certified Medical Assistant, Grade 108N, \$14.956 hourly, in the Div. of Family Services, effective November 14, 2005, Stanley Wayne King, Public Service Supervisor, Grade 111N, \$16.835 hourly, in the Div. of Traffic Engineering, effective November 14, 2005, James Wray, Engineering Technician Sr., Grade 113E, \$1,841.52 bi-weekly, in the Div. of Traffic Engineering, effective October 31, 2005, Josh Herald, Golf Pro Assistant, Grade 109N, \$12.692 hourly, in the Div. of Parks, effective October 17, 2005; ratifying the permanent civil service appointments of: Stephanie Cunningham, Administrative Specialist, Grade 110N, in the Div. of Planning, effective August 22, 2005, Marwan Rayan, Urban County Engineer, Grade 123E, in the Div. of Engineering, effective October 4, 2005, Brian Dennis, Information Officer, Grade 113E, in the Div. of Government Communications, effective November 30, 2005, Donald Langfels, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective October 18, 2005; ratifying the permanent sworn appointments of: Raymond Roller, Police Lieutenant, Grade 317E, in the Div. of Police, effective August 21, 2005, David Biroshchik, Police Sergeant, Grade 315N, in the Div. of Police, effective September 7, 2005, Michael S. Bailey, Phillip Fowler, Maquel Johnson, John Gentry, Robert Mott, Douglas Hargreaves, Jeremy Cooper, Jacob T. Sea, Jack K. Trautwein, Anderson Carter III, Brandon Reece, Brian Potts, Curtiss G. Herd, James Branham, Brian Harris, Bryan McWhorter, Terry Watts, Michael Kamphake, Jason Gripshover, Scott Butler, William Taylor, Gregory Hageman, David Davis II, Mark Rogers, Josh Dollins, Daniel

Case, Dewayne A. Gibson, Thomas Merideth, Brian Moscoe, Charles Anders, Kevin Austin, Scott Marshall, Gerald Evans, Christopher Conley, Glenn Work III, Bo Wood, Tad Willis, Derrick Stanifer, Brad Ault, Eric McClellan, Paul K. Preston, Paul Welch, Justin McFarland, James Taulman, Tony Brown, Matthew Wells, James Acke, Edwin Morgan, James Smitson, and Jeff Nally, Firefighter, Grade 311N, in the Div. of Fire, effective October 25, 2005; approving leave of absence for: Stephanie Maggard, Communications Officer Sr., Grade 113N, in the Div. of Police, request ninety day Council approved leave without pay from October 12, 2005 through January 9, 2006, Roderick Vinegar, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, request ninety day Council approved leave without pay from January 3, 2006 through April 2, 2006; approving the unclassified civil service appointment of: Mattie Osborne, Social Worker Sr., Grade 113E, \$1,244.80 bi-weekly, in the Friend of the Court, effective November 28, 2005, Anna Mason, Probation Officer, Grade 110N, \$15.898 hourly, in the Div. of Community Corrections, effective November 28, 2005, Dean Sonya, Probation Officer, Grade 110N, \$12.220 hourly, in the Div. of Community Corrections, effective November 28, 2005, Gary Watkins, Probation Officer, Grade 110N, \$17.465 hourly, in the Div. of Community Corrections, effective November 28, 2005; amending Section 1 of Resolution No. 634-2005, correcting the job grade of one employee in the Div. of Fleet Services was on the docket for first reading.

Upon motion of Dr. Stevens, seconded by Ms. Shafer and passed by unanimous vote, the resolution was amended to remove the probationary civil service appointment of Stanley Wayne King, Public Service Supervisor, in the Div. of Traffic Engineering and to add the unclassified civil service appointment of Twilla Catron, Probation Officer, in the Div. of Community Corrections.

The resolution was given first reading as amended. Upon motion of Mr. Wigginton and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Myers, Scanlon, Shafer, Stevens, Stinnett,
Wigginton, Brown, Cegelka, DeCamp, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney ----- 15

Nay: ----- 0

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A Resolution proclaiming the Lexington-Fayette Urban County Government's opposition to the sale or transfer of Ky.-American Water Co. or any portion thereof to any party other than the Lexington-Fayette Urban County Government or local investors, and hereby notifying Ky.-American Water Co., American Water Works Co., RWE AG, and the Ky. Public Service Commission of this proclamation was on the docket for first reading.

Mr. Scanlon made a motion, seconded by Mr. Lane, to table the resolution until such time as the newly appointed Water Committee comes back and gives the Council reason that they should open the issue up again.

The motion failed to pass by a hand vote of 4-10.

Mr. Scanlon made a motion, seconded by Mr. Lane, to amend the resolution to add the Lexington-Herald Leader newspaper as a topic of purchase, and then withdrew the motion and second.

Mr. Lane made a motion, seconded by Mr. Scanlon, to amend the resolution to add to Section 3 that the Clerk shall send a copy of the resolution "to the Lexington-Fayette Urban County Water Committee for its transmittal" to Ky.-American Water Co., American Water Works Co., RWE AG and the Ky. Public Service Commission when the Water Committee deems such delivery is appropriate.

Ms. Gorton asked Mr. Lane about any delay this may cause.

There was a discussion among the Council on the motion.

Mr. Lane restated his motion.

The motion failed to pass by a hand vote of 6-9.

The resolution was given first reading. Upon motion of Mr. Wigginton and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, Moloney ----- 12

Nay: Myers, Scanlon, McChord ----- 3

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of National Workwear establishing a price contract for uniforms, for the Div. of Sanitary Sewers.

A Resolution accepting the bids of ASL Excavating, Inc. The Allen Co., Inc., Central Rock Mineral Co., LLC, H. G. Wilson & Sons Contractors, Inc., Jason Tate Contractor, Inc., K. Hayes Limited, Randle-Davis Construction Co., Tom Chestnut Excavation & Construction, LLC, and Woodall Construction Co., Inc. establishing price contracts for construction unit price, for the Div. of Engineering.

A Resolution accepting the bid of J. Edinger & Son establishing a price contract for snow plow equipment, for the Div. of Fleet Services.

A Resolution accepting the bid of Moore Ventures, LLC, in the amount of \$49,757.00, for a non-potable water service system, for the Div. of Sanitary Sewers.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from The Hope Center, Inc., located at 300 West Loudon Avenue, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$11,750.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer easement and temporary construction easement from Dale and Louisa Ditto located at 136 Cherokee Park, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$13,025.00, plus usual and appropriate closing costs.

A Resolution declaring as surplus the real property and improvements located at the rear of 446 Silver Maple Way, and authorizing the Mayor to execute a General Warranty Deed and Certificate of Consideration, transferring the property to Mark and Licia Siever, for the sum of \$2,580.00 and other valuable consideration.

A Resolution authorizing the Mayor to execute a Purchase and Security Agreement with Standard & Associates, Inc., for the Police Officer Selection Test (POST), at a cost not to exceed \$7,350.00.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with Eastern Ky. University, for Criminal Investigation and Cyber Crime Projects, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Test Security Agreement with Cooperative Personnel Services, for the development and design of a written test for

affected positions within the Div's. of Code Enforcement and Building Inspection, at a cost not to exceed \$2,280.00.

A Resolution authorizing the Mayor to execute a Test Security Agreement with I/O Solutions, Inc., for testing applicants applying for Community Corrections Officer positions, at a cost not to exceed \$2,600.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Strand Associates, Inc., for Town Branch Phosphorus Study, increasing the contract price by the sum of \$15,260.00 from \$56,750.00 to \$72,010.00.

A Resolution authorizing the Mayor to execute Two Master Agreement Modifications with the Ky. Office of Homeland Security, for extension of two grants for Mobile Data Computer Projects from November 30, 2005 to February 28, 2006, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with United States Golf Association, for 2007 United States Women's Amateur Public Links Championship at Kearney Hill Golf Links, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Successor-In-Interest Contract with JPMorgan Chase Bank, N.A., and any other documentation necessary, for lump sum payment under the Tobacco Transition Assistance Program (TTAP) to the Urban County Government for its four tobacco quotas, in the amount of \$91,634.00.

A Resolution authorizing the Mayor to execute Change Order No. 3 to the Contract with Woodford Builders, Inc., for Recycling Center Warehouse Expansion, increasing the contract price by the sum of \$41,464.00 from \$2,194,499.95 to \$2,235,963.95.

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A Resolution authorizing the Mayor to terminate the Lease with West End Community Empowerment Project of Lexington, Inc., (a/k/a West End Community Empowerment Program) for space at the Black and Williams Center and authorizing and directing the Chief Administrative Officer and the Dept. of Law to take all legal steps necessary to effectuate the termination of the Lease and to protect the Lexington-Fayette Urban County Government's interests therein was on the docket for first reading.

Upon motion of Mr. Brown, seconded by Mr. Ellinger and passed by unanimous

vote, the resolution was removed from the docket.

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The following communications were received from the Mayor for information only:

(1) Resignation of Marsha B. Jasper, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 4, 2005; (2) Resignation of Jacob Pasley, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 9, 2005; (3) Resignation of Bader K. Ali, Police Trainee, Grade 311N, in the Div. of Police, effective November 9, 2005; (4) Reinstatement of Shawn Copher, Equipment Operator Sr., Grade 109N, \$13.140 hourly, in the Div. of Solid Waste, effective November 14, 2005 and (5) Termination of probationary appointment of Phillip Finley, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, effective November 4, 2005.

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The reports from (1) the Div. of Sanitary Sewers for the month of October, 2005 and (2) the Div. of Building Inspection for the month of October, 2005 were received and ordered filed.

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Mr. Robert Dalton, 520 Douglas Avenue, spoke against privatizing the Div. of Solid Waste, stated his concerns with employees going out on disability, and asked the Council to support Mr. Wigginton's schedule for the 2006 Council Meetings.

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The Council adjourned at 8:15 p.m.

Deputy Clerk of the Urban County Council